

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VS.

2:13-CR-0319-SLB-HGD

JONATHAN IAN BROOKS,
Defendant

MOTION FOR PSYCHIATRIC EVALUATION

Comes now the Defendant, by and through the undersigned Counsel, and moves the Court for an order directing that a forensic psychological evaluation of the Defendant be conducted pursuant to 18 U.S.C. §4241 and/or §4242, for the purpose of determining if there is reasonable cause to believe that the Defendant is suffering from a mental disease, defect, or deficit.

The Defendant further requests that upon completion of the examination, the Court conduct an evidentiary hearing to receive the results, and make a finding concerning:

- 1) Whether the Defendant can assist Counsel in the preparation of a defense.
- 2) Whether the Defendant can understand the nature of the charges.
- 3) Whether the Defendant suffered from a mental disease, defect, or deficit at the time of the alleged offense.
- 4) Whether the Defendant suffered from a significantly reduced mental capacity at the time of the alleged offense, and whether that diminished capacity contributed substantially to the commission of the charged conduct.
- 5) Whether the Defendant is not otherwise competent to stand trial.
- 6) Whether the Defendant is now or was previously unable to make a free, voluntary, knowing, and intelligent waiver of any constitutional right.

FACTS IN SUPPORT OF THE MOTION

The Defendant has a history of depression and Attention Deficit Disorder, for which he is prescribed Adderol and Cymbalta. He has a history of suicidal ideations. The latest being verbal self-destructive inclinations upon his arrest on the instant offense conduct. He has been placed under observation while in custody.

WHEREFORE, the Defendant prays the Court order the Defendant to the care or custody of such experts or institutions authorized to conduct the requisite examination, and upon completion, to provide the Court, the United States, and the Defendant with the results.

This MOTION shall also serve as notice to the United States of the Defendant's intent to use such evidence in the preparation of a defense under Rule 12.2, F.R.Crim.P., and/or to provide the Court and the parties with information in support of the mitigating factors of U.S.S.G. §5K2.13 (Diminished Capacity) when calculating the Defendant's advisory guidelines range at sentencing.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this MOTION FOR PSYCHIATRIC EVALUATION upon the Office of the United States Attorney for the Northern District of Alabama, Hon. Daniel Murdock, Assistant U.S. Attorney, through the CM/ECF system of the Clerk of the United States District Court at the date and time affixed hereon.

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